

Message Text

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ACTION EUR-12

INFO OCT-01 IO-04 ISO-00 SAJ-01 CIAE-00 DODE-00 PM-03 H-01

INR-05 L-01 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02

SS-15 USIA-06 COME-00 EB-04 LAB-01 SIL-01 /065 W

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R 311716Z OCT 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6003

INFO AMCONSUL BREMEN

AMCONSUL FRANKFURT

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

USMISSION USBERLIN

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

AMEMBASSY BRUSSELS

USMISSION GENEVA

AMEMBASSY ROME

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 01 OF 02 BONN 17149

E.O. 11652: GDS

TAGS: ELAB, GW, PGOV

SUBJECT: EARLY PASSAGE OF GOVERNMENT MITBESTIMMUNG

BILL LESS LIKELY

REF: BONN 16237, 16346, 16404, 16472, 16777, 16711,

17033

1. SUMMARY. SEVERAL FACTORS, INCLUDING OPPOSITION BY
DGB AND EMPLOYER REPRESENTATIVES, RESULTS OF RECENT
ELECTIONS IN BAVARIA AND HESSE, ADDITIONAL LEGAL STUDIES
AND POLLS CONFIRMING LOW VOTER INTEREST IN MITBESTIM-
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MUNG, COMBINE TO REDUCE CHANCES FOR EARLY PASSAGE OF

GOVERNMENT'S MITBESTIMMUNG BILL. END SUMMARY.

2. THERE IS A DEVELOPING CONSENSUS THAT EARLY PASSAGE OF THE GOVERNMENT'S CODETERMINATION BILL IS BECOMING INCREASINGLY UNLIKELY. SOME, INCLUDING CDU SECRETARY-GENERAL BIEDENKOPF, EVEN BELIEVE THAT THERE WILL BE NO MITBESTIMMUNG BILL PASSED BEFORE THE 1976 FEDERAL ELECTIONS.

3. COMMITTEE HEARINGS HIGHLIGHTED OPPOSITION TO GOVERNMENTBILL BY MAJOR INTEREST GROUPS, DGB AND EMPLOYERS. THE DGB, WHICH TAKES THE POSITION THAT THEY WILL ABIDE BY THE BILL IF PASSED, IS DEVOTING ITS ENERGIES TO GETTING THE BILL CHANGED RATHER THAN TO SECURING ITS PASSAGE.

4. RECENT LANDTAG ELECTIONS IN BAVARIA AND HESSE FURTHER HURT THE BILL'S CHANCES BY REVEALING THE VOTERS' CONSERVATIVE SENTIMENTS. ALSO POOR SHOWING BY FDP TENDS TO MAKE THE JUNIOR COALITION PARTNER LESS WILLING TO COOPERATE WITH THE SPD IN GETTING THE BILL PASSED, BECAUSE FDP STRATEGISTS BELIEVE ELECTION RESULTS SHOW THAT THE FDP MUST CREATE A MORE INDEPENDENT IMAGE. SEVERAL CONSERVATIVE FDP SPOKESMEN HAVE ALREADY INDICATED THAT FDP PARTY MEMBERS HAVE RESERVATIONS ABOUT THE COALITION-SPONSORED BILL.

5. THE BILL HAS DRAWN NEW LEGAL CRITICISM. IN ADDITION TO THE CHAMBER OF COMMERCE-SPONSORED WENGLER STUDY, THERE ARE REPORTS OF TWO NEW LEGAL STUDIES WHICH FIND FAULT WITH THE BILL. THE JUSTICE MINISTRY HAS COMMISSIONED TWO INDEPENDENT STUDIES OF THE BILL, BY A PROFESSOR SCHOLZ OF BERLIN AND PROFESSOR THOMAS RAISER OF GIessen UNIVERSITY. THE JUSTICE MINISTRY HAS NOT RELEASED EITHER STUDY, BUT NEWSPAPER REPORTS SAY THAT BOTH LAW PROFESSORS FIND THAT, IF PASSED' THE BILL

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 17149

WOULD BE IN CONTRADICTION WITH GNTEES OF FREE
COLLECTIVE BARGAINING, FOUND IN ARTICLE 9 OF THE FRG
CONSTITUTION.

6. THE CALENDAR POSES ANOTHER HURDLE. TRADITIONALLY,
IMPORTANT BILLS ARE SELDOM PASSED DURING THE LATTER
MONTHS OF THE LEGISLATIVE PERIOD BECAUSE BUNDESTAG
ACTIONS ARE OVERSHADOWED BY COMING FEDERAL ELECTIONS.
THEREFORE IF THE MITBESTIMMUNG BILL IS NOT PASSED BY
MID-1975, CHANCES ARE INCREASED THAT NO BILL WOULD PASS
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BEFORE LATE 1976.

7. THE FUTURE OF THE BILL MAY BECOME CLEARER DURING
THE NEXT COMMITTEE HEARINGS, SCHEDULED FOR NOVEMBER 4.

8. AMERICAN CHAMBER OF COMMERCE REPRESENTATIVES BELIEVE
THAT THEIR EFFORTS ARE LARGEY RESPONSIBLE FOR PLACING
THE BILL IN JEOPARDY.

9. COMMENT: IF THE MITBESTIMMUNG BILL IS TO BECOME
LAW, SOMEONE MUST GET BEHIND IT, BUT SO FAR THE BILL,

IN ITS PRESENT FORM, LACKS AN ENTHUSIASTIC CHAMPION.
HILLENBRAND

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, ELECTION RESULTS, PERSONAL OPINION, LABOR UNIONS, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BONN17149
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740311-0796
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974104/aaaaadao.tel
Line Count: 171
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: BONN 16237, 16346, 16404, 16472, 167, 77, 16711
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 03 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 APR 2002 by boyleja>; APPROVED <07-Aug-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EARLY PASSAGE OF GOVERNMENT MITBESTIMMUNG BILL LESS LIKELY
TAGS: ELAB, PGOV, GE, US, MITBESTIMMUNG, (REBHAN, HERMAN)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005